

**REMARKS**

Claims 1-3, 5-15, 27, 28, 30 and 32-34, 36, and 39-46 are pending. Claims 35 and 38 have been cancelled without prejudice or disclaimer.

I. Specification and Drawing Amendments

The drawings stand objected to under 37 CFR § 1.83(a) as allegedly failing to show each feature recited by the claims. In response, Applicant provides the attached proposed drawing correction, in combination with the specification amendment to show and identify the missing subject matter. No new matter has been entered.

II. 35 USC § 112

Claim 44 stands rejected under 35 USC § 112, second paragraph, as allegedly being indefinite for failing to particularly point out and distinctly claim that which is considered the invention. Specifically, the Office Action notes the use of the term “and/or” renders the claim confusing. In response, claim 44 has been amended to remove the offending term and to clarify that which was originally intended, i.e., “wherein said décor sheet comprises at least one of a color a pattern complementary to an upper surface of the floating floor.” Reconsideration is respectfully requested.

III. 35 USC § 102

Claims 1, 2, 5, 6, 9, 10, 13, 14, 37, 40 and 44 stand rejected under 35 USC § 102(a) as allegedly being anticipated by at least one of Santarossa (U.S. Patent No. 6,253,510) and Wenrick (U.S. Patent No. 4,010,297). The Office Action asserts that the references teach each feature recited by the individual claims rejected thereunder. In light of the above-amendments, reconsideration is requested.

In particular, Applicants respectfully present that each of the independent claims rejected as being anticipated has been amended. As amended, the claims recite that the core is formed of compressed wood particles and a binder, as supported by originally filed claim 35. This feature is

neither taught nor suggested by either Wenrick or Santarossa. Reconsideration is therefore respectfully requested.

Even if such a feature is conventionally known, the modification of the cores of Santarossa and Wenrick still fails to reach the claimed subject matter.

A. Santarossa

The Office Action asserts the presently recited “pad” is met by “the part of the finish and base coating that coats the surface 10”. However, such a structure is neither “coupled to the floating-floor engaging surface”, nor “formed from a material different from the core”. At best, the part of the finish and base coating is part of the molding and not a disparate structure coupled thereto.

B. Wenrick

The Office Action asserts body portion 22 of trim strip 10 of Wenrick is the same as the presently recited “pad”. However, even if the body portion 22 were to create a resilient seal between the trim strip 10 and surface 11, there is no indication, express or otherwise, that such a seal is a “substantially moisture-tight seal so as to prevent moisture from seeping between said floor and said molding when the molding is in an installed position”. Finally, even if the trim strip 10 included a lower surface 38 (identified in the Office Action as a floating floor engaging surface) no wall engaging surface is present.

III. 35 USC § 103

Claims 1, 3, 7, 8, 11, 12, 15, 27, 28, 30, 32-34, 36, 38, 39 and 41-44 stand rejected as being unpatentable over combinations of Santarossa, DeGraan (U.S. Patent No. 4,655,009), Strasser (U.S. Patent No. 5,433,048), Wenrick, and Pelosi, Jr. et al (U.S. Patent No. 5,553,431), Margarit (U.S. Patent No. 5,979,132). The Office Action asserts that the features recited by the rejected claims are suggested, if not disclosed, by the specific combination of references.

A. Santarossa in view of DeGraan

Claims 3, 7 and 8 stand rejected as allegedly being unpatentable over Santarossa in view of DeGraan. The Office Action asserts that Santarossa teaches each feature, except for holes in the wall engaging surface, for which purpose DeGraan is apparently cited. However, as DeGraan fails to cure the deficiencies of Santarossa identified in Section IIA above, reconsideration is requested.

B. Strasser in view of Wenrick

Claims 1, 11 and 12 stand rejected under 35 USC § 103(a) as allegedly being unpatentable over Strasser in view of Wenrick. The Office Action asserts Strasser teaches each feature of the rejected claims, except for a decor sheet, for which purpose Wenrick is cited. The Office Action further asserts it would have been obvious to incorporate the decor sheet of Wenrick into the structure of Strasser.

However, even if the decor sheets of Wenrick were incorporated into the structure of Strasser, the combined structure would nevertheless be missing at least the presently recited “pad”. The Office Action states that the “pad” is “the part of the surface 2 which extends toward the corner”. However, this description is unclear, as the Office Action fails to identify which corner to which it is referring. In any event, no “part of the surface 2” is both “coupled to the floor engaging surface” and “formed from a material different from the core”, as recited by the present claims. Thus, this combination of references fails to teach each recited feature. Reconsideration is therefore requested.

C. Santarossa in view of Margarit

Claim 15 stands rejected as allegedly being unpatentable over Santarossa in view of Margarit. The Office Action asserts Santarossa teaches each cited feature, except for a floating floor, for which purpose Margarit is cited, and that it would have been obvious to utilize the molding of Santarossa with the floating floor of Margarit. However, as Margarit also fails to cure the deficiencies of Santarossa identified in Section IIA above, reconsideration is requested.

D. Strasser in view of Margarit

Claims 27, 30 and 34 stand rejected under 35 USC§ 103(a) as allegedly being unpatentable over Strasser in view of Margarit. The Office Action asserts Strasser teaches each feature of the rejected claims, except for the floor being a floating floor for which purpose Margarit it cited.

However, Applicant respectfully submits that Strasser does not teach every other feature of the claims. For example, while the Office Action identifies “the part before the slot 7 in figures 2-3” as being the “pad”, such a pad does not meet the features of the pad of the present claims. Specifically, the “pad” of the present claims is both “coupled to the floating-floor engaging surface” and “formed from a material different from the core”. The “part before the slot 7” is neither. Reconsideration is therefore requested.

E. Strasser and Margarit in view of Pelosi, Jr. et al.

Claims 32 and 33 stand rejected under 35 USC § 103(a) as allegedly being unpatentable over Strasser in view of Margarit in further view of Pelosi, Jr. et al. However, as Pelosi, Jr. et al. fails to cure the deficiencies of Strasser and Margarit identified in Section IIID, reconsideration is requested.

F. Santarossa in view of Margarit

Claims 36, 38-39 and 41-44 stand rejected under 35 USC § 103(a) as allegedly being unpatentable over Santarossa in view of Margarit. The Office Action asserts Santarossa teaches each feature of the claims, except for the molding being formed from fibreboard, for which purpose Margarit is cited. However, as Maragrit fails to cure the deficiencies of Strasser identified in Section IIA above, reconsideration is requested.

IV. Conclusion

In view of the above, it is respectfully submitted that all objections and rejections are overcome. Thus, a Notice of Allowance is respectfully requested.

Respectfully submitted,



Thomas P. Pavelko  
Registration No. 31,689

TPP:mat  
Attorney Docket No.: TPP 31390

STEVENS, DAVIS, MILLER & MOSHER, L.L.P.  
1615 L Street, N.W., Suite 850  
Washington, D.C. 20036  
Telephone: (202) 785-0100  
Facsimile: (202) 408-5200 or (202) 408-5088

Date: Dec 10, 2003

ATTACHMENT - Proposed Drawing Change

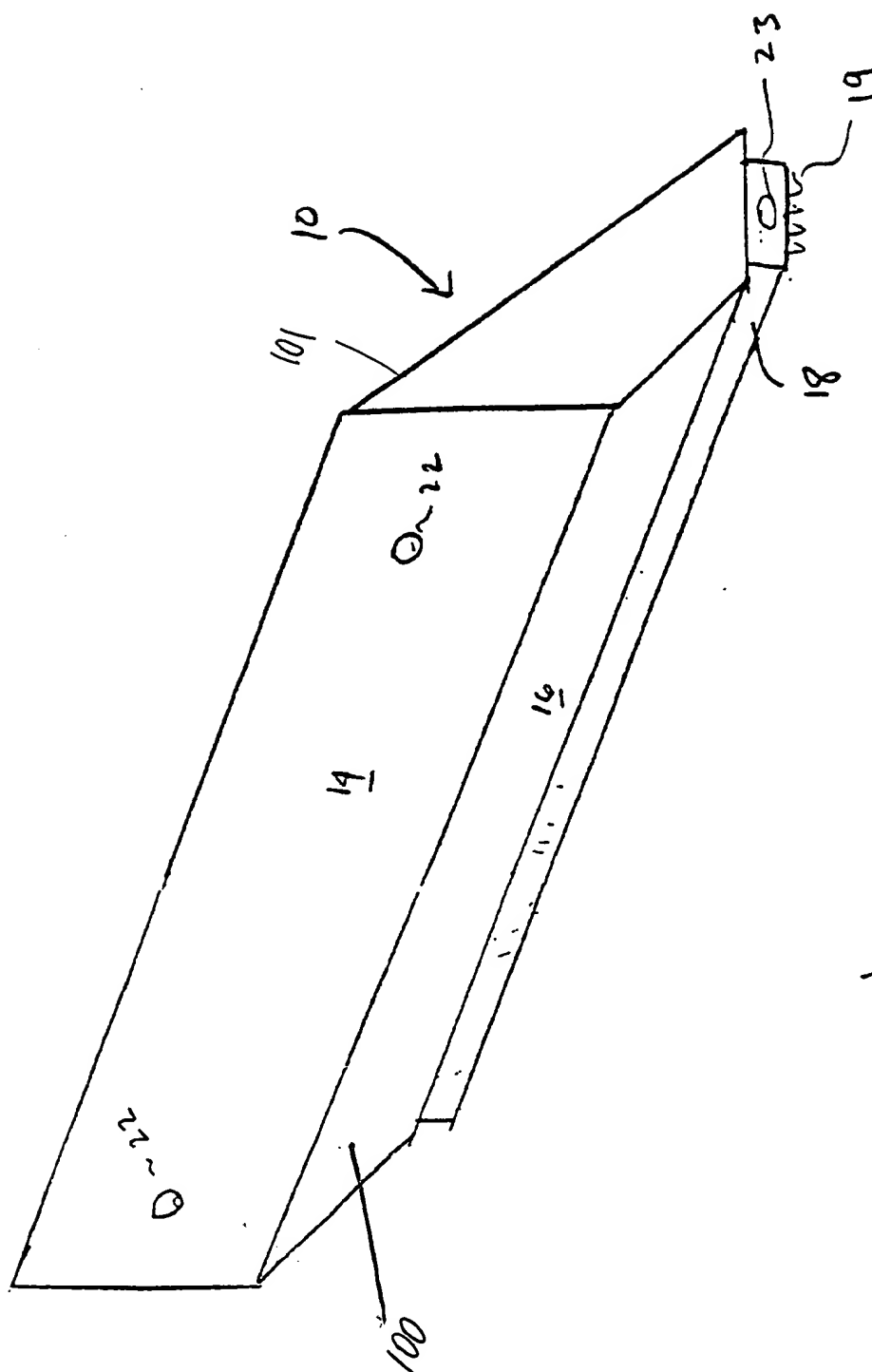


FIG. 1